

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 353

January 22, 2023

SUMMARY OF BILL: Creates the *Sergeant Chris Jenkins Law*. Creates a Class C misdemeanor offense for a person to operate a motor vehicle on a public roadway while carrying an item in an open bed or trailer that is not firmly secured by adequate means to prevent the item from falling onto the roadway. Specifies how such material should be secured.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-14-507(a)(1), ‘Any motor vehicle that transports litter or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.’ A violation of this requirement is a Class B misdemeanor.
- Furthermore, Tenn. Code Ann. § 55-7-109(a) requires that, ‘Any truck, or other motor vehicle, with an open bed, that is operated on any highway, road, or street open for public use in this state, shall be loaded so that any loose material transported in truck or other motor vehicle remains at least four inches (4") below the walls of the open bed, measured at the front, back and sidewalls; but the load may be piled higher in the center of the open bed. “Loose material” includes any substance that could spill, drop off, or blow away from the open bed when the vehicle is operated. “Loose material” does not include materials such as sand or salt that are purposely discharged from truck beds to clear roadways or improve traction, and does not include water sprayed on streets for purposes of sanitation.’ A violation of this requirement is a Class C misdemeanor.
- In addition, there are numerous state and federal regulations governing the safe transport of materials in an open trailer over interstate highways.
- The proposed legislation creates more specific requirements about how certain items must be secured. However, given the legislation’s significant overlap with existing law, these additional requirements are not estimated to result in a significant increase in Class C misdemeanor convictions.
- Therefore, any increase in revenue to local governments related to fines from Class C misdemeanor convictions is estimated to be not significant.

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- It is assumed that a person convicted of a Class C misdemeanor will not serve any time in jail; therefore, any increase in expenditures to local governments related to incarceration is estimated to be not significant.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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